

Message Text

CONFIDENTIAL

PAGE 01 BRASIL 00937 041658Z

47 41

ACTION SS-15

INFO OCT-01 ARA-06 IO-10 ISO-00 DLOS-03 COA-01 L-02 EB-07

SSO-00 INRE-00 NSCE-00 NSC-05 CIAE-00 INR-07 NSAE-00

RSC-01 COME-00 TRSE-00 OES-03 INT-05 SP-02 PRS-01

AGR-05 CG-00 DOTE-00 DODE-00 PM-03 JUSE-00 /077 W

----- 022305

O R 041600Z FEB 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 7603

INFO USMISSION NEW YORK

C O N F I D E N T I A L BRASILIA 0937

USUN FOR OXMAN

FOR MAW FROM CLINGNAN

E.O.11652: GDS

TAGS: PLOS, EFIS, BR

SUBJECT: US-BRAZIL SHRIMP NEGOTIATIONS - USDEL REPO NO. 1

SUMMARY: NEGOTIATIONS OPENED FEB 3 WITH GOB
ASSURANCES THAT JURIDICAL BASIS OF 1972 TREATY
NEED NOT BE AFFECTED BY RENEGOTIATION. DRAFT TABLED
BY GOB GENERALLY FOLLOWS 1972 TEXT WITH IMPORTANT
EXCEPTIONS. GOB OPENING POSITION IS PHASE-DOWN
IN NUMBER OF U.S. SHRIMP VESSELS IN TREATY AREA
FROM 325 IN 1972 TREATY TO 160 IN 1975 SEASON,
120 IN 1976 AND 38 IN 1977. GOB ALSO SEEKS
QUOTE OPERATIONAL FEE AND QUOTE OF \$3400 PER VESSEL.
USDEL WILL MAKE CLEAR THAT THESE FIGURES ARE
TOTALLY UNACCEPTABLE. END SUMMARY.

1. NEGOTIATIONS OPENED FEB 3. GOB DEL CONSISTS
OF AMB PAULO CABRAL DE MELLO, CHAIRMAN AND
FONMIN CHIEF OF ECONOMIC DEPARTMENT: MINISTER
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 00937 041658Z

SERGIO FERNANDO BATH, FONMIN CHIEF OF BASIC PRODUCTS

DIVISION: COUNSELOR PAULO FRASSINETTI PINTO, FONMIN: SECRETARY FLAVIO MIRAGAIA PERRI, FONMIN: SECRETARY WILMARY MANUEL PENNA, FONMIN: CAPT. SOUTO MAIOR DE CASTRO, NAVY: CDR. FERNANDO ROLANDA, NAVY: JOSE AQUILINO DE ALMEIDA FILHO, SUDEPE: AND SOLONEY JOSE CORDEIRO DE MOURA, SUDEPE. BATH IS IN CHARGE OF ACTUAL NEGOTIATIONS.

2. BATH WELCOMED USDEL AND EXPLAINED PHILOSOPHY UNDERLYING GOB SHRIMP TALKS WITH USG, BARBADOS, TRINIDAD AND TOBAGO AND SURINAM. BARBADOS AND TRINIDAD AND TOBAGO TALKS COMPLETED. EMPHASIZED POLICY APPROVED AT HIGH LEVEL GOB. THREE PRINCIPLES TO BE APPLIED ARE QUOTE PHASE-OUT UNQUOTE OF FOREIGN FISHING, SPECIAL PREFERENCE FOR NEIGHBORING DEVELOPING COUNTRIES AND NEED FOR BETTER SCIENTIFIC INFO ON STATE OF FISH STOCKS. BATH REITERATED SEVERAL TIMES THROUGHOUT DAY THAT GOB DOES NOT WISH TO NEGOTIATE JURIDICAL POSITIONS AND EXPLAINED THAT QUOTE PHASE-OUT UNQUOTE DOES NOT MEAN ZERO QUOTA FOR U.S. IN THIRD YEAR OF THREE- YEAR NEW AGREEMENT. BATH EMPHASIZED GOB DESIRE TO ENCOURAGE JOINT VENTURES WITH U.S. INDUSTRY. GOB ESTIMATES THAT OVERALL 400 VESSELS MAY FISH TREATY AREA.

3. CLINGAN GAVE GENERAL OPENING STATEMENT EMPHASIZING CONSERVATION PURPOSE OF 1972 TREATY AND NEED TO CONTINUE CONSERVATION MEASURES, NOTING DEPRESSED STATE OF U.S. SHRIMP INDUSTRY, AND REITERATING THAT U.S. ACCEPTANCE OF COASTAL STATE, JURISDICTION OVER LIVING RESOURCES IN A 200-MILE ZONE IS CONDITIONED ON SEVERAL FACTORS, INCLUDING THAT SUCH JURISDICTION BE PART OF COMPREHENSIVE LOS AGREEMENT.

4. GOB DEL TABLED DRAFT WORKING TEXT WHICH CLOSELY FOLLOWS STRUCTURE OF 1972 TREATY. HIGHLIGHTS OF DRAFT FOLLOW:

A. PREAMBLE NOT PATTERNED ON 1972 TREATY. HEAVY EMPHASIS ON GOB DESIRE TO ENCOURAGE JOINT VENTURES. NO REFERENCE TO CRUSTACEANS WHICH ARE HEAVILY DEPENDENT ON SEABED.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 00937 041658Z

B. ART. I AND II IDENTICAL TO 1972 TREATY.

ART. III DELETES ART. III, PARA. 3 OF 1972 TREATY.

C. ART. IV ADDS COPIES OF VESSEL DOCUMENTS TO LIST OF INFO TO BE TRANSMITTED TO GOB AND EXPLICITLY NAMES GOB IN PLACE OF EXISTING INDIRECT REF. ART. II, PARA. 3 IS MUCH MORE DETAILED, EXTENDING GOB VERIFICATION TO COMPLIANCE WITH QUOTE SPECIFICATIONS UNDER THIS AGREEMENT UNQUOTE IN PLACE OF QUOTE UNDER PARA. 1 OF

THIS ARTICLE UNQUOTE.

D. ART. V IS IDENTICAL IN ALL RESPECTS EXCEPT
THAT THE PORT OF BELEM IS SPECIFIED IN PARAS. 2 AND 3
FOR DELIVERY OF SEIZED VESSEL UNLESS OTHERWISE AGREED.

E. ART. VI WOULD OBLIGATE USG TO PAY QUOTE
OPERATIONAL FEE ENDQUOTE OF \$3400 PER VESSEL WHICH
CARRIES OUT FISHING OPERATIONS IN TREATY AREA. ALSO
ART. VI WOULD OBLIGATE USG TO PAY ADDITIONAL UNSPECIFIED
AMOUNT FOR SPECIAL EXPENSES IF VESSELS SIZED.
GOB DRAFT NONTHELESS INCLUDED DRAFT NOTES WITH
BLANK SPACE FOR LUMP SUM ANNUAL PAYMENT BY USG WITH
NO REFERENCE TO SPECIAL EXPENSES FOR SEIZURES.

F. REMAINING ARTICLES VIRTUALLY IDENTICAL.

G. ANNEX I IDENTICAL. ANNEX II DELETES LIMIT
ON NUMBER VESSELS PERMITTED TO FISH AREA AT ANY ONE
TIME AND SETS FOLLOWING PHASE-DOWN LIMITS: 160
VESSELS IN 1975, 120 IN 1976, AND 38 IN 1977.

H. NO AGREED MINUTE OR INTERIM ARRANGEMENT
INCLUDED IN GOB DRAFT.

5. COMMENT: MANY JURIDICAL ISSUES, PARTICULARLY
ART. V, APPEAR TO BE AVOIDED BY GOB RELIANCE ON 1972
TREATY. USDEL WILL NOT ACCEPT GOB DRAFT PREAMBLE,
ART. VI, PHASE-DOWN FIGURES, OR SEVERAL OTHER LESS
FUNDAMENTAL CHANGES. USDEL WILL SEEK EXTENSION EXISTING
TREATY BUT WILL INSIST ON LUMP SUM ANNUAL PAYMENT FOR
ENFORCEMENT LESS DIRECTLY RELATED TO NUMBER OF VESSELS,
SPECIFICATION OF SPECIAL EXPENSES FOR SEIZURES, AND
LESS DRASIC PHASE-DOWN IF ANY. GOB STATEMENTS OF
INTENT TO ACCOMMODATE JURIDICAL POSITION OF U.S.
ARE INCOMPATIBLE WITH DRASIC PHASE-DOWN UNRELATED
TO CONSERVATION AND DRASIC INCREASE IN FEES FOR
ENFORCEMENT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BRASIL 00937 041658Z

6. USDEL MAY BE ABLE TO DESCRETELY DELETE
ALL REFERENCES IN PREAMBLE TO SHRIMP AS
A CONTINENTAL SHELF RESOURCE. ISSUE MAY ARISE.
GUIDANCE REQUESTED SOONEST ON CURRENT US LOS
POSITION ON FULL UTILIZATION OF CSFR.
CRIMMINS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, SHELLFISH, FISHING AGREEMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BRASIL00937
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750040-0757
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750275/aaaacpvs.tel
Line Count: 161
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUN 2003 by MartinML>; APPROVED <06 NOV 2003 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-BRAZIL SHRIMP NEGOTIATIONS - USDEL REPO NO. 1 SUMMARY: NEGOTIATIONS OPENED FEB 3 WITH GOB
TAGS: PLOS, EFIS, BR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006